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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/785,496	02/24/2004	Roel Van Woudenberg	NL000286A	8586

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EXAMINER

ORTIZ CRIADO, JORGE L

ART UNIT	PAPER NUMBER
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2655

DATE MAILED: 03/11/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/785,496	Applicant(s) VAN WOUDEBERG ET AL.	
	Examiner Jorge L Ortiz-Criado	Art Unit 2655	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 February 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8, 11 and 12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☒ Claim(s) 8, 11 and 12 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 February 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>02/05</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Objections

1. Claims (11/8) and (12/8) are objected to under 37 CFR 1.75(c) as being in improper form because a multiple dependent claim should refer to other claims in the alternative only and cannot depend from any other multiple dependent claim. See MPEP § 608.01(n).

Accordingly, the claims have not been further treated on the merits.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-7 are rejected under 35 U.S.C. 102(b) as being anticipated by Kobayashi U.S. Patent No. 5,587,975.

Regarding claim 1, Kobayashi an information carrier (See Abstract; col. 3, lines 21-31; Fig.1) comprising
a synchronization area (See col. 5, lines 57-67 to col. 6, lines 1-12; Fig. 1,4A), said
synchronization area comprising a predetermined synchronization pattern for synchronizing a

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clock frequency in a device in which the information carrier is used (See col. 5, lines 57-67 to col. 6, lines 1-12; Fig. 1,4A), characterized in that the predetermined synchronization pattern comprises a first part and a second part (See col. 5, lines 57-67 to col. 6, lines 1-12; Fig. 1,4A), the second part being distinguishable from the first part (See col. 5, lines 57-67 to col. 6, lines 1-12; Fig. 1,4A).

Regarding claim 2, Kobayashi discloses the predetermined synchronization pattern is composed of marks and of spaces between the marks (See col. 5, lines 57-67 to col. 6, lines 1-12; Fig. 2A-2D,4A), and in that the first part of the predetermined synchronization pattern contains marks having a first length (See col. 5, lines 57-67 to col. 6, lines 1-12; Fig. 4A) and spaces having a second length (See col. 5, lines 57-67 to col. 6, lines 1-12; Fig. 4A) whereas the second part of the synchronization pattern contains marks having a third length (See col. 5, lines 57-67 to col. 6, lines 1-12; Fig. 4A) and spaces having a fourth length (See col. 5, lines 57-67 to col. 6, lines 1-12; Fig. 4A), the first length being different from the third length (See col. 5, lines 57-67 to col. 6, lines 1-12; Fig. 4A) and the second length being different from the fourth length (See col. 5, lines 57-67 to col. 6, lines 1-12; Fig. 4A),

Regarding claim 3, Kobayashi characterized in that the total length of all the marks in the predetermined synchronization pattern is substantially equal to the total length of all the spaces in the predetermined synchronization pattern (See col. 5, lines 57-67 to col. 6, lines 1-12; Fig. 4A; i.e. 2T pattern).

Regarding claim 4, Kobayashi discloses an information carrier comprising a recording area for writing patterns which represent user information (See col. 5, lines 57-67 to col. 6, lines 1-12; Fig. 1,2A-2D,4A) and a header area comprising patterns which represent header information (See col. 5, lines 57-67 to col. 6, lines 1-12; Fig. 1,2A-2D,4A),

said header area comprising a synchronization area comprising a predetermined synchronization pattern for synchronizing a clock frequency in a device in which the information carrier is used (See col. 5, lines 57-67 to col. 6, lines 1-12; Fig. 1,2A-2D,4A), characterized in that the predetermined synchronization pattern comprises a first part (See col. 5, lines 57-67 to col. 6, lines 1-12; Fig. 1,2A-2D,4A) and a second part, the second part being distinguishable from the first part (See col. 5, lines 57-67 to col. 6, lines 1-12; Fig. 1,2A-2D,4A).

Regarding claim 5, Kobayashi discloses predetermined synchronization pattern is composed of marks and of spaces between the marks (See col. 5, lines 57-67 to col. 6, lines 1-12; Fig. 2A-2D,4A), and in that the first part of the predetermined synchronization pattern contains marks having a first length (See col. 5, lines 57-67 to col. 6, lines 1-12; Fig. 4A) and spaces having a second length (See col. 5, lines 57-67 to col. 6, lines 1-12; Fig. 4A) whereas the second part of the synchronization pattern contains marks having a third length (See col. 5, lines 57-67 to col. 6, lines 1-12; Fig. 4A) and spaces having a fourth length (See col. 5, lines 57-67 to col. 6, lines 1-12; Fig. 4A), the first length being different from the third length (See col. 5, lines 57-67 to col. 6, lines 1-12; Fig. 4A) and the second length being different from the fourth length (See col. 5, lines 57-67 to col. 6, lines 1-12; Fig. 4A).

Regarding claim 6, Kobayashi discloses characterized in that the total length of all the marks in the predetermined synchronization pattern is substantially equal to the total length of all the spaces in the predetermined synchronization pattern (See col. 5, lines 57-67 to col. 6, lines 1-12; Fig. 4A; i.e. 2T pattern).

Regarding claim 7, Kobayashi discloses that the header information is converted into patterns in the header area according to a (d,k) (i.e. $d=1, k=7$, (1,7), 2T and 8T lengths) Run Length Limited modulation code, in which d represents a predetermined natural number larger than zero and k represents a predetermined natural number larger than d, discloses the length of each mark and each space expressed as a number of channel bit lengths (T) (See col. 5, lines 57-67 to col. 6, lines 1-12; Fig. 4A),

and in that the first part of the predetermined synchronization pattern contains marks having a first length of $(d+1)$ times the channel bit length (i.e. $d=1, 2T$), (See col. 5, lines 57-67 to col. 6, lines 1-12; Fig. 4A),

and spaces having a second length of $(d+1)$ times the channel bit length (i.e. $d=1, 2T$), (See col. 5, lines 57-67 to col. 6, lines 1-12; Fig. 4A),

and the second part of the predetermined synchronization pattern contains marks having a third length of $(k+1)$ times the channel bit length (i.e. $k=7, 8T$), (See col. 5, lines 57-67 to col. 6, lines 1-12; Fig. 4A)

and spaces having a fourth length of $(k+1)$ times the channel bit length (i.e. $k=7, 8T$), (See col. 5, lines 57-67 to col. 6, lines 1-12; Fig. 4A).

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3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

a. JP 05-159462 to Satomura, which discloses an information carrier including a synchronization area, said synchronization area comprising a predetermined synchronization pattern.

b. JP 11-353810 to Nagata et al., which discloses which discloses an information carrier including a synchronization area, said synchronization area comprising a predetermined synchronization pattern.

Allowable Subject Matter

4. Claim 8 objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jorge L Ortiz-Criado whose telephone number is (703) 305-8323. The examiner can normally be reached on Mon.-Thu.(8:30 am - 6:00 pm), Alternate Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Doris H To can be reached on (703) 305-4827. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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DAVID L. OMETZ
PRIMARY EXAMINER